

SOLON TOWNSHIP PLANNING COMMISSION

Tuesday, July 6, 2021, 7:00pm

Solon Township Hall

9191 S. Kasson St., Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chair Morgan called the meeting to order at 7:00m with the Pledge of Allegiance and a moment of silence.

II. Roll Call/Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Meg Paxton, Member; Samantha Vandervlucht, Member, Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Not Present: Lisa Rossi, Member

Guests: Corey Flaska, Melinda Lauter, Judy Janisik, Mary O'Neill, Charlie Smith and Karen Smith

III. Motion to Approve Minutes –June 8, 2021

Chair Morgan asked for a motion to approve the June 2021 minutes as presented.

Changes to the minutes reported: *Page 2, VIII. 2nd and 3rd paragraphs change name to John Popa, Maple City to Cedar and name change to Mary Taylor; and Page 8, XIV. 2nd paragraph, take out duplicate public have.* Laskey moved to approve the June 8, 2021, minutes as amended; Yeomans seconded. All in favor, motion carried.

IV. Agenda – July 6, 2021

Chair Morgan asked for motion to approve the agenda as presented. Yoder moved to approve the July 6, 2021, agenda as presented; Laskey seconded. All present in favor, motion carried.

V. Correspondence –None.

VI. Public Comment M

Mary O'Neill asked that when the planning commission is reviewing the landscaping standards, if there are typos or inconsistencies, she can correct those.

Judy Janisik stated that it is still very hard to hear. Short discussion followed.

Melinda Lautner stated that the landscaping standards seem more complicated and complex than Solon Township needs. Lautner reported that the standards “need whittled down to half its size,” which would be adequate for Solon township.

O'Neill stated it would be better to get some more specifics rather than just hearing more complicated.

Lautner stated that the specificity of size and the number of trees, along with the screening and berming sections seem quite unnecessary. Lautner stated that this is a beautiful township and she feels this landscaping standard will put an undue burden on new families or businesses.

O'Neill stated that the landscape standards are for businesses not homes.

Chair Morgan advised that comments directed to the chair not to other members of the public.

Corey Flaska stated that he feels the landscaping standards are written for homes (e.g. subdivisions, homes) and businesses. Flaska feels that the standards should go back to the original idea with just commercial standards.

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder reported that at the June 10, 2021, at Township Board meeting, the board renewed the MTA subscription of \$1,800. Yoder advised the township is have a new sign painted and both pavilions on Cedar Lake have been removed in order to put on new roofing. Yoder reported that Dan Leach, Fire Board Rep, resigned with Chris Cuomo now in the Fire Board Rep position. Yoder reported that the Zoning Administrator is contacting legal counsel regarding the proper motion on property density with more discussion at next township board meeting.

Yoder reported on the \$6,500 grant for a water/sewer system study in Cedar taking place during the summer months. Yeomans confirmed with Yoder that the sewer system survey will be completed before October as the grant runs out. Yoder advised there has been no discussion by the board on specifics of money involved to put in a sewer system.

ZBA Rep: Yeomans advised nothing to report at this time.

Zoning Administrator: Cypher reviewed the Zoning Administrator report for June 2021 provided to Planning Commission members on June 4, 2021, via email. Cypher advised that Ryan Thompson, Leelanau Automotive, is in process of getting the health department, soil erosion and driveway permits completed by the end of July with hopes to break ground in August. Cypher reported he is still working with the attorney on the Delmoupied matter and hopes to bring this issue to the Township Board at the July 15, 2021, meeting.

IX. Public Hearing –None

- a. Open Public Hearing by chair and Presentation by Applicant
- b. PC Questions / Discussion with Applicant
- c. Staff Comments (ZA/Planner)
- d. Public Comment (limited to three minutes per person unless extended by chair)

- e. Applicant's Response to Public Comment, directing statements to PC
- f. PC further discussion with staff (if required)
- g. Close Public Hearing by Chair
- h. Findings of Fact – Deliberations with PC members/questions of applicant if needed
- i. PC Motions/Action

X. New Business

A. Cedar Cove Estates/Flaska Review of Master Deed/By-Laws-Motion to Approve

Cypher advised the Master Deed and Bylaws were sent out to planning commission members in June via email. Cypher reported that the attorney and Cypher found the Master Deed and Bylaws are in order and meet the requirements of the zoning ordinance.

Chair Morgan confirmed with Cypher regarding the cistern installation. Discussion followed. Flaska advised the cistern was built at the beginning of project per the fire chief's direction.

Chair Morgan stated that previous discussions about the development specified no rentals, yet there is a section on leasing. Discussion followed regarding an affordable housing community versus rental housing. Flaska advised this development was not presented as affordable housing with his plans being to sell the homes but if there is a financial need, homes may be rented until they sell.

Cypher advised that when the planning commission makes a recommendation to the township board, the options are to approve, deny, or approve with conditions. Cypher reported that the approval can be subject to additional determination if necessary, at the Township Board meeting. Cypher advised the planning commission members when making a recommendation to the township board, there should be a roll call vote.

Cypher reported a discussion with the attorney who advised the planning commission cannot place conditions that already take place in other districts, which has been the case for half a century. Discussion followed. Cypher advised Chair Morgan that legal counsel can formalize a statement with Morgan asking for planning commissioners' input.

Laskey stated that while he was not in support of this project in the beginning, that with the economy, it is okay if people want to rent. Cypher advised that an HOA has the right to modify and change the master deed and bylaws, with any changes subject to planning commission and township board approval. Cypher reported this does not negate nuisance complaints, which is the means for enforcement. Paxton advised it is harder to get rid of a bad owner than a bad renter, with the homeowner being allowed to rent their own property. Yoder stated he is comfortable in essence because of how strict an HOA is in their bylaws.

Yeomans confirmed with Flaska that single family homes are being built first. Flaska advised after the single homes, condos will be built and if slow sales, then there made be a need to rent for the income until they sell.

Yeomans confirmed with Charlie Smith, Ramblewood HOA, that the HOA master deed and bylaws are followed. Smith reported that the community does have land use restrictions attached to every deed and issues are worked through. Discussion followed. Yeomans stated he is good with Flaska development.

Laskey confirmed with Flaska that single family homes will have wells, with condos having shared wells, along with an individual tank and pump. Discussion followed about an artesian well.

Vandervleut stated that she understands concerns about leasing, but the project is good for the local economy and it will bring families to Cedar. Discussion followed. Laskey confirmed with Cypher that the township board will determine the performance guarantee with a security bond.

Cypher advised there are still requirements that must be met, in which the HOA plays an active role with no discrimination. Discussion followed. Cypher confirmed with Smith that the Ramblewood Board is still very active. Cypher reported that if the HOA does not enforce regulations, the township can still come in to make sure the rules and regulations are enforced for a fee to the HOA.

Flaska advised that the development, while not considered affordable houses has smaller land, smaller house, and smaller cost. Flaska stated that this development will be a “small, tight subdivision that people see in the city,” which will help with pricing. Laskey confirmed with Flaska there is still a walking path to the bay.

Chair Morgan confirmed that prior to 51 percent of the build being purchased, Flaska is the association. Cypher advised Flaska is still subject to original approval, findings of fact and any issues will be directed to Flaska. Discussion followed. Flaska stated that the community will be “self-policed” and will not be trashed.

Chair Morgan asked for any public comment:

Smith advised that when developing the HOA, there are finer points that never get brought up, which is whether the bylaws allow the board to enforce the requirements. Smith stated that when Flaska sells the requisite number of properties, if there are 40 owners who want to do away with it, the covenants will not mean anything. Smith advised he just wanted to share the concept of HOA and rules if there is no mechanism to enforce them. Cypher advised that the HOA can change and modify but they must come back in front of the township for any changes. Discussion followed. Cypher stated the township has the right to choose a legal route with a judge deciding what is reasonable.

Judy Janisik confirmed with Cypher that it is up to the township board if there is a public hearing.

Chair Morgan asked for a motion to recommend approval to the township board. Yoder moved that the planning commission recommend approval of the Cedar Cove

Estate Master Deed and Bylaws to the township board; Yeomans seconded. Roll call vote: Yeomans, yes; Laskey, yes; Yoder, yes; Vandervlucht, yes; Paxton, yes; Morgan, yes. All present in favor, motion carried.

XI. Unfinished business

A. Review Zoning Ordinance Article Draft – Landscaping – Final Draft

Cypher advised that the landscaping section of the ordinance is triggered if there is a site plan review. Discussion followed. Cypher advised the landscaping section will be part of the entire ordinance modifications with a public hearing. Discussion ensued. Cypher stated that an aggrieved party has an option to take their issue to the Zoning Board of Appeals.

Laskey stated that in 10.1, with the wall being at grade level, it could potentially be 12 feet. Discussion followed. Chair Morgan stated that the landscaping section takes effect during the site plan review with no changes to the existing landscaping unless it is up for consideration on the actual site plan.

Yoder voiced a concern that if the planning commission can waive everything, why is there a landscape plan requirement, which can be expensive. Cypher advised the applicant can come to the Zoning Administrator in advance with a preliminary plan, which can be as simple as an overlay on a google aerial. Discussion followed. Yoder stated he feels the landscaping section needs to be definitive enough, so the applicant knows exactly what they need.

Yoder expressed concerned about unnecessary cost. Discussion followed. Cypher advised he will fix that change to waivers or determine a more stringent provision should apply. Discussion ensued. Cypher reported that the zoning administrator spends four to six weeks with an applicant before bringing to the planning commission.

Paxton stated that she still finds the landscaping draft excessive. Discussion followed. Paxton advised that some of it is repetition, with “nothing standing out as you get lost half way through it” and it is a lot to take in.

Yeomans stated that he feels the draft is invasive. Discussion followed. Laskey advised the landscaping draft holds the developer to a higher standard and once the house is sold, then the homeowners may decide to put in other trees or shrubs. Yeomans and Laskey advised they okay with holding a new developer to a higher standard. Discussion followed.

Vandervlucht states the landscaping section is proactive versus reactive and even though she does not like the section outlining landscaping specifics, it is important to have a base. Vandervlucht advised it is important to have something in place as a guide.

Yoder stated he feels that the various trees need to be a mix of shade, evergreen, or ornamental with percentages eliminated. Cypher advised that different types of trees

have different purposes and if percentages are taking out, then language may need added stating “as determined by the planning commission.” Discussion followed on the shrubs and ground covering. Consensus of the planning commission members is to use the same language as in the tree portion.

Discussion ensued regarding a natural area. Paxton confirmed with Cypher that the natural area is determined by the soil erosion office and is already a requirement of the site plan review.

Discussion followed regarding types of mulch and decorative stones not being allowed in the proposed landscaping draft. Cypher advised that the landscaping draft can be edited to change “shall” to may.” More discussion ensued. Cypher advised that decorative stones verbiage will be removed. Discussion followed. Chair Morgan advised to leave mulch in with planning commission members in agreement.

Yoder questioned Cypher on section 34.06, M on whether center islands are every 12 feet or 15 feet. Cypher advised it should be 15 feet and he will confirm with a review of the records.

Discussion followed on section 34.13 regarding compliance for pre-existing sites and change of use. Cypher advised that corrections will be made based on tonight’s meeting of the landscaping draft. Cypher confirmed with the planning commission members that the reprint of the landscaping draft will wait until the rest of the ordinance modifications are reviewed.

B. Review Zoning Ordinance Draft Rewrite – June 23, 2021, Draft V.1

Cypher advised that the first 12 articles of the zoning ordinance moved the special uses and the rest of modifications having been reviewed over a seven-year period of 2013 to now. Discussion followed. Cypher stated if the planning commission members read through the Zoning Ordinance Draft before the August meeting, this item can be on the August meeting agenda under unfinished business for further discussion. All planning commission members in agreement.

XII. Other Items

A. None

XIII. ZA/Planning Commission Comment–No further comment.

XIV. Public Comment (three minutes per person unless extended by Chair)

Flaska reiterated his opinion on landscaping and states while he is not against the landscaping section of the ordinance, it would be more successful if commercial provisions were separate. Flaska reported there is already power in a residential PUD (Planned Unit Development) or in a site plan review. Flaska stated he feels this draft complicates residential when it is already self-contained in the site plan review.

O’Neill stated she feels the landscaping article does not cover residential. Discussion followed between members of the public.

Chair Morgan advised those speaking to address their public comment to the board.

Lautner stated the landscaping draft might not be clear about residential one and two and questioned what happens when home owners have a home business. Lautner reported she feels the planning commission is on the right track and she heard a lot of good things tonight. Lautner stated the landscaping section is over complicated.

XV. Adjournment: There being no objection, Chair Morgan adjourned the meeting at 9:02pm

The next meeting is scheduled for Tuesday, August 3, 2021, at 7:00pm, at the Solon Township Hall.

Respectfully Submitted

Sandra Dunkin, Recording Secretary

Date Approved: